UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

MICHAEL GOLDEMBERG, ANNIE LE, and : HOWARD PETLACK on behalf of themselves and : all others similarly situated, :

13 CV 3073 (NSR) (LMS)

Plaintiffs,

v.

JOHNSON & JOHNSON CONSUMER COMPANIES, INC.,

Defendant.

Defendant.

DECLARATION OF HAROLD P. WEINBERGER IN SUPPORT OF DEFENDANT'S OPPOSITION TO CLASS CERTIFICATION AND IN SUPPORT OF DEFENDANT'S MOTION TO EXCLUDE THE DAMAGES REPORT OF PLAINTIFFS' EXPERT

I, Harold P. Weinberger, hereby declare:

- 1. I am a member of the law firm of Kramer Levin Naftalis & Frankel LLP, counsel for defendant Johnson & Johnson Consumer Companies, Inc. ("J&JCC") in the above-captioned matter.
- 2. I submit this Declaration to provide the Court with the following true and correct copies of documents relevant to defendant's memorandum in opposition to class certification and in support of defendant's memorandum to exclude the report of plaintiffs' expert, Dr. Jean-Pierre Dubé:

<u>Exhibit</u>	Description
A	Excerpts from the transcript of the May 21, 2015 deposition of plaintiff Michael Goldemberg.
В	Excerpts from the transcript of the May 21, 2015 deposition of plaintiff Howard Petlack.

Description
Excerpts from the transcript of the August 10, 2015 deposition of plaintiff Annie Le.
Excerpts from the transcript of the August 20, 2015 deposition of Holly Means.
Excerpts from the transcript of the October 22, 2015 deposition of Dr. Jean-Pierre Dubé.
Receipt produced by plaintiff Michael Goldemberg for purchase of two AVEENO® ACTIVE NATURALS® products on Amazon.com on October 15, 2012.
Receipt produced by plaintiff Annie Le for purchase of an "AVEENO 2PK" at Costco on May 27, 2014.
A Notice of Subpoena for a subpoena served by plaintiffs on Information Resources, Inc. ("IRI") on October 3, 2014, seeking production of sales and pricing data relating to the products at issue in this action.

3. Discovery in this action has been underway for well over a year. J&JCC has exchanged tens of thousands of documents with plaintiffs. Among many other documents, J&JCC produced to plaintiffs on November 20, 2014 a spreadsheet containing pricing and sales data for its products.

Pursuant to 28 U.S.C. § 1746, I certify under penalty of perjury that the foregoing is true and correct.

Executed this 13th day of November, 2015.

/s/ Harold P. Weinberger Harold P. Weinberger